

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul North Bateman

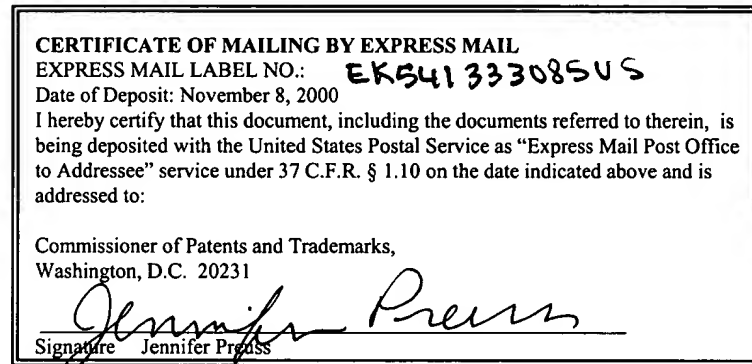
Application No. 09/658302

Filed: September 8, 2000

For: SEPARATION AND DETECTION OF SPERMATOZOA

Group: 3736

Examiner: Unknown



Commissioner for Patents and Trademarks  
Washington, D.C. 20231

TRANSMITTAL OF ASSIGNMENT

Dear Sir:

Transmitted for filing with the Patent and Trademark Office are the following documents for the above-referenced patent application:

1. Recordation Form Cover Sheet PTO-1595
2. Assignment Document

3. Check in the amount of \$40.00

4. Postcard Acknowledgment

Respectfully submitted,

A handwritten signature in cursive script that reads "P. Weston Musselman Jr.".

P. Weston Musselman, Jr.

Reg. No. 31,644

Submitted: November 8, 2000  
Jenkins & Gilchrist, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202  
Telephone: (214)855-4764  
Facsimile: (214)855-4300



Patent Application 49447-2 USPX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul North Bateman

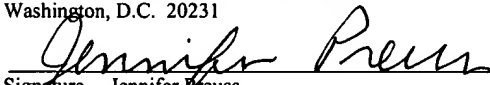
Application No. 09/658302

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For: SEPARATION AND DETECTION OF SPERMATOZOA

Group No.: 3736

Examiner: Unknown

CERTIFICATE OF MAILING BY EXPRESS MAIL  
EXPRESS MAIL LABEL NO.: EK541333085US  
Date of Deposit: November 8, 2000  
I hereby certify that this document, including the documents referred to therein, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:  
BOX MISSING PARTS  
Commissioner of Patents and Trademarks,  
Washington, D.C. 20231  
  
Signature Jennifer Preuss

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

REQUEST FOR REFUND  
(37 C.F.R. 1.28 (a))

SUBMISSION OF SMALL ENTITY STATEMENT

Attached is a Verified Statement claiming small entity status (Small Business Concern)

03/06/2001 SDJUNG 09/658302 in this application

01 FC:201	355.00	OP
02 FC:203	270.00	OP
03 FC:204	135.00	OP
04 FC:205	65.00	OP

## REFUND REQUEST

This request for refund is made **within two months** of the date a fee was paid in this application, on September 8, 2000. An initial payment of \$1,000.00 was submitted with the application, and a supplemental payment in the amount of \$490 (\$230 to fee code 103 and \$260 to fee code 104) was made by charge to Deposit Account No. 10-0447 on September 26, 2000, bringing the total filing fees paid to date **\$1,490**. A copy of the Monthly Statement of Deposit Account is attached which reflects the supplemental fees charged in connection with Application No. 09/658302.

### FEES PAID FOR WHICH REFUND REQUESTED

The application as filed contained 51 claims, but 21 claims were canceled at the time of filing the application in a Preliminary Amendment which accompanied the application documents, leaving 30 claims. All multiple dependent claims were amended to single dependent claims, except that original independent claim 45 was amended to a multiple dependent claim (dependent upon 28 claims remaining in the application). Thus, the **actual filing fee** due at filing was:

101	\$ 690
103	\$ 684 (for 58 claims, or 38 claims in excess of 20)
104	\$ 260
TOTAL	\$1,634

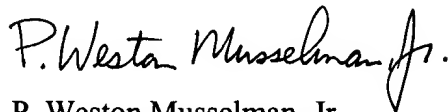
Since \$1,490 has already been made, a supplemental fee of \$144 is due for excess claims based upon large entity status. However, the applicant is a small entity, and a verified statement is being submitted herewith. Therefore, a refund is hereby requested in the amount of **\$673** for the small entity fee reduction:

Fee code 101	\$345
Fee code 103	\$342
Fee code 104	\$130
Total Credit	\$817
Less Fee Code 103 Due	(\$144)
<b>TOTAL REFUND</b>	<b>\$673</b>

#### MANNER OF REFUND

Please make refund by crediting Deposit Account No. 10-0447. A duplicate copy of this request is attached.

Respectfully submitted,



P. Weston Musselman, Jr.

Reg. No. 31,644

Submitted: November 8, 2000  
Jenkins & Gilchrist, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202  
Telephone: (214)855-4764  
Facsimile: (214)855-4300



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

# MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.



FINA

Account No.	100447
Date	9-29-00
Page	2

JENKENS & GILCHRIST P.C.  
MICHAEL RITCHIE  
1445 ROSS AVENUE  
SUITE 3200  
DALLAS TX 75202-2799

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	ATTY CLT/MTR #	FEE CODE	CHARGES/ CREDITS	BALANCE
J.	DAY	YR.						
9	18	00	140	1640375	RNR 32151-00802	365	100.00	10055.00
9	19	00	34	1641175	RNR 32151-00801	365	100.00	9955.00
9	19	00	210	29115932	RNR 32151-00121	243	215.00	9740.00
9	19	00	211	29115932	" " "	561	15.00	9725.00
9	20	00	23	75689029	RNR 44384-00042	377	300.00	9425.00
9	20	00	72	09659390	RVD 43840-00020	101 ✓	690.00	8735.00
9	20	00	73	09659390	" " "	102 ✓	78.00	8657.00
9	20	00	74	09659390	" " "	103 ✓	288.00	8369.00
9	21	00	70	60232384	RJM 45050-00005	114	150.00	8219.00
9	22	00	118	09530475	AJB 27793-00063	704	-130.00	8349.00
9	22	00	180	09054145	BDW 27943-00212USPT	704	-493.00	8842.00
9	25	00	3	1619678	SRB 06039-00600 (621)	366	-100.00	8942.00
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9	25	00	8	60233358	ART 44501-00013A	114	150.00	8892.00
9	26	00	67	09661677	RJM 47253-00012	704	-36.00	8928.00
9	26	00	81	09658302	PWM 49447-00002	103	230.00	8698.00
9	26	00	83	09658302	" " "	104	260.00	8438.00
9	26	00	182	PCT/US00/26096	JKG 43408-00002WOPT	704	-132.00	8570.00
9	27	00	3	09462233	RJM 45687-00007	116 ✓	-380.00	8950.00
9	27	00	12	75625433	AW 92717-00187	361 ✓	245.00	8705.00
9	27	00	17	09662782	MVM 44766-00007	201 ✓	345.00	8360.00
9	27	00	18	09662782	" " "	203 ✓	225.00	8135.00
9	27	00	19	09662782	" " "	202 ✓	78.00	8057.00
9	27	00	20	09662782	" " "	202 ✓	39.00	8018.00
9	27	00	154	09151574	BDW 27943-00242USPT	142	448.00	7570.00
9	27	00	156	09151574	" " "	561	45.00	7525.00
9	28	00	1	09665631	SDD 20661-00175	101 ✓	690.00	6835.00
9	28	00	4	76134978	WDW 31538-00005 (601)	361 ✓	325.00	6510.00
9	28	00	48	PCT/US00/24990	RVD 43840-00020WOPT	704	-20.00	6530.00
9	28	00	233	09011434	ART 34703-00002	970	345.00	6185.00
9	28	00	235	09011434	" " "	966	110.00	6075.00
9	28	00	257	09047257	RNR 32151-00102	704	-10.00	6085.00
9	29	00	84	09663080	RJM 45060-00004	101	690.00	5395.00
9	29	00	85	09663080	" " "	103	828.00	4567.00
9	29	00	86	09663080	" " "	102	156.00	4411.00

AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE  
19531.00

TOTAL CHARGES  
16711.00

TOTAL CREDITS  
1591.00

CLOSING BALANCE  
4411.00

\*\*\* O.D. INDICATES OVERDRAW\*\*

COMBINED DECLARATION AND POWER OF ATTORNEY

---

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SEPARATION AND DETECTION OF SPERMATOZOA**, the specification of which:

       is attached hereto.

  X   was filed on September 8, 2000 as Application Serial No. 09/658302 .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate(s), or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s), or PCT International application having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed
<u>GB</u>	<u>9817795.9</u>	<u>August 14, 1998</u>	

I hereby claim the benefit under 35 U.S.C. § 119(e)(1)-(2) of any United States provisional application(s) listed below:

<u>Application No.</u>	<u>Month/Day/Year Filed</u>	<u>Status (Pending, abandoned, patented)</u>
------------------------	-----------------------------	--

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, or § 365(c) of any PCT International application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending)</u>
<u>PCT/GB99/02685</u>	<u>August 13, 1999</u>	<u>Pending</u>

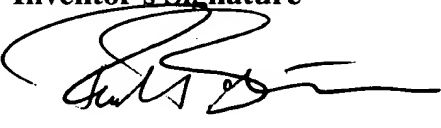
I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: BENJAMIN J. BAI, Reg. No. 43,481; TIMOTHY G. ACKERMANN, Reg. No. 44,493; THOMAS L. CRISMAN, Reg. No. 24,846; THOMAS L. CANTRELL, Reg. No. 20,849; STUART D. DWORK, Reg. No. 31,103; WILLIAM F.

ESSER, Reg. No. 38,053; J. KEVIN GRAY, Reg. No. 37,141; STEVEN R. GREENFIELD, Reg. No. 38,16; ROGER L. MAXWELL, Reg. No. 31,855; LISA H. MEYERHOFF, Reg. No. 36,869; STANLEY R. MOORE, Reg. No. 26,958; P. WESTON MUSSELMAN, JR., Reg. No. 31,644; SPENCER C. PATTERSON, Reg. No. 43,849; ANDRE M. SZUWALSKI, Reg. No. 35,701; RICHARD J. MOURA, Reg. No. 34,883; ROBERT WILLIAM MASON, Reg. No. 42,848; JAMES F. LEA, Reg. No. 41,143; RUSSELL N. RIPPAMONTI, Reg. No. 39,521; KEITH W. SAUNDERS, Reg. No. 41,462; JERRY R. SELINGER, Reg. No. 26,582; TAMSEN VALOIR, Reg. No. 41,417; RAYMOND VAN DYKE, Reg. No. 34,746 and GERALD T. WELCH, Reg. No. 30,332 of the firm of **JENKENS & GILCHRIST, P.C.**, 3200 Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2799; and

Address all telephone calls and correspondence to:  
P. Weston Musselman, Jr., Esq.  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place, 1445 Ross Avenue  
Dallas, Texas 75202-2799  
Telephone: 214-855-4764, Facsimile: 214-855-4300

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

See Paper #15

1	<b>Paul North BATEMAN</b> <b>Full Name</b>	<b>Inventor's Signature</b> 	<b>Date</b> 31st Oct. 2000
	12-50 Kingsgate Road, Kingston-Upon-Thames KT2 5AA, Great Britain		GB
	<b>Residence</b>		<b>Citizenship</b>
	same as above <b>Post Office Address</b>		
2	<b>Full Name</b>	<b>Inventor's Signature</b>	<b>Date</b>
	<b>Residence</b>		<b>Citizenship</b>
	<b>Post Office Address</b>		



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

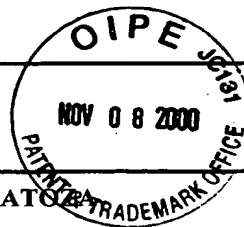
Docket No.  
49447-2USPX

Serial No.  
09/658302

Filing Date  
08 September 2000

Patent No.

Issue Date

Applicant/  
Patentee: **GENOSIS LIMITED**

Invention: **SEPARATION AND DETECTION OF SPERMATOZOA**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **GENOSIS LIMITED**

ADDRESS OF CONCERN: **12-50 KINGSGATE ROAD, KINGSTON UPON THAMES, SURREY KT2 5AA**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

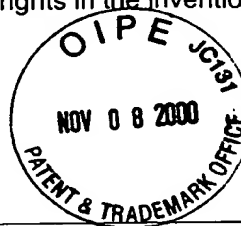
I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.



FULL NAME

ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

PAUL BATEMAN

TITLE OF PERSON SIGNING

L.E.O.

OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

12-50 KINGSQATE RD  
 KINGSTON  
 SURREY  
 ENGLAND KT2 5AA

SIGNATURE:

DATE:

31<sup>ST</sup> OCT. 2000